



#23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Richard E. Anderson

Examiner: Chieh M. Fan

Serial No: 09/052,673

Art Unit: 2634

Filed: March 31, 1998

Docket: END919980042US1 (11232)

For: DIGITAL AUDIO/VIDEO
CLOCK RECOVERY ALGORITHM

Dated: December 28, 2004

Confirmation: 9401

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JAN 04 2005

OFFICE OF PETITIONS

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 C.F.R. §1.137(a)**

Dear Sir:

In a Notice dated October 4, 2004, the Office indicated that the above-identified patent application is abandoned in view of Applicant's failure to timely file a proper reply to the Office Letter mailed on 15 July 2003.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Alexandria, VA 22313-1450 on December 28, 2004.

Dated: December 28, 2004

John S. Sensny
John S. Sensny

This Office Letter of 15 July 2003, was not received by Applicant's Attorneys, however. Thus, the failure to reply to the Office Action was unavoidable. Applicant hereby petitions for revival of the application on the grounds that the abandonment was unavoidable.

As discussed in the accompanying Declaration, a careful search of the file jacket and docket records indicates that the PTO communication, of 15 July 2003, was not received. A copy of the docket record where the communication would have been entered had it been received and docketed is submitted herewith as Exhibit A of the accompanying Declaration.

In view of the foregoing, the Commissioner is respectfully requested to grant this Petition and to revive the subject patent application. If the Office believes that a telephone conference with Applicant's Attorneys would be advantageous to the disposition of this case, the Office is asked to telephone the undersigned.

Any fees for the Petition should be charged to Deposit Account 09-0457IBM. A duplicate copy of this Petition is enclosed.

Respectfully Submitted,

John S. Sensny
John S. Sensny
Registration No.: 28,757
Attorney for Applicant

Scully, Scott, Murphy & Presser
400 Garden City Plaza – Suite 300
Garden City, New York 11530
(516) 742-4343

JSS:jy



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Richard E. Anderson

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OFFICE OF PETITIONS

**DECLARATION IN SUPPORT OF PETITION FOR REVIVAL OF AN
APPLICATION FOR PATENT ABANDONED UNAVOIDABLY
UNDER 37 C.F.R. §1.137(a)**

I, John S. Sensny, declare that:

1. I am a partner in the law firm of Scully, Scott, Murphy and Presser, Garden City, New York, and am an attorney of record in the above-identified patent application.

2. The correspondence address of record in this application is:
Leopold Presser
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Alexandria, VA 22313-1450 on December 28, 2004.

Dated: December 28, 2004

John S. Sensny
John S. Sensny

3. In a Notice dated October 4, 2004, the Office indicated that the above-identified patent application is abandoned in view of Applicant's failure to timely file a proper reply to the Office Letter mailed on 15 July 2003.

4. This Office Letter of 15 July 2003, was not received by Applicant's Attorneys, Scully, Scott, Murphy & Presser, however. Thus, the failure to reply to the Office Action was unavoidable.

5. I have made a careful search of our file jacket and docket records for this application.

6. This careful search of the file jacket and docket records indicates that the PTO communication, of 15 July 2003, was not received.

7. A copy of the docket record where the communication would have been entered had it been received and docketed is submitted herewith as Exhibit A of the accompanying Declaration.

8. As Exhibit A shows, for example, a response date of 29 Apr 2003 is listed as the due date, for responding to the Office Action dated January 29, 2003. If the Office Letter of 15 July 2003, had been received, analogous response dates for responding to that Office Letter would have been listed in Exhibit A. The fact that no such response dates are listed, shows that the Office Action was not received.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully Submitted,

John S. Sensny
John S. Sensny
Registration No.: 28,757
Attorney for Applicant

Scully, Scott, Murphy & Presser
400 Garden City Plaza – Suite 300
Garden City, New York 11530
(516) 742-4343
JSS:nf

Country Application

Monday, December 13, 2004

List Of Actions

Action(s) Due	Due Date	Action Taken	Taken
Postcard Received	21-Apr-1998	Reminder	13-Apr-1998 <input checked="" type="checkbox"/>
Letter to Client	19-May-1998	Due Date	<input checked="" type="checkbox"/>
Declaration	04-Jul-1998	Due Date	01-Jul-1998 <input checked="" type="checkbox"/>
Declaration/1 EOT	04-Aug-1998	Due Date	01-Jul-1998 <input checked="" type="checkbox"/>
Declaration/2 EOT	04-Sep-1998	Due Date	01-Jul-1998 <input checked="" type="checkbox"/>
Declaration/3 EOT	04-Oct-1998	Due Date	01-Jul-1998 <input checked="" type="checkbox"/>
Declaration/4 EOT	04-Nov-1998	Final	01-Jul-1998 <input checked="" type="checkbox"/>
Status Chk	30-Sep-1999	Due Date	<input checked="" type="checkbox"/>
Letter to Client	30-May-2000	Due Date	27-Jun-2000 <input checked="" type="checkbox"/>
3 Mo. Response	30-Aug-2000	Due Date	30-Aug-2000 <input checked="" type="checkbox"/>
Response/1 EOT	30-Sep-2000	Due Date	30-Aug-2000 <input checked="" type="checkbox"/>
Response/2 EOT	30-Oct-2000	Due Date	30-Aug-2000 <input checked="" type="checkbox"/>
2 Weeks to Final Date	14-Nov-2000	Due Date	30-Aug-2000 <input checked="" type="checkbox"/>
Response/3 EOT	30-Nov-2000	Final	30-Aug-2000 <input checked="" type="checkbox"/>
Letter to Client	11-Dec-2000	Due Date	05-Dec-2000 <input checked="" type="checkbox"/>
2 Mo. Response	07-Jan-2001	Due Date	07-Feb-2001 <input checked="" type="checkbox"/>
3 Mo. Response/Appeal	07-Feb-2001	Due Date	07-Feb-2001 <input checked="" type="checkbox"/>
Notice of Appeal - 1 mo. EOT	07-Mar-2001	Due Date	07-Mar-2001 <input checked="" type="checkbox"/>
Response/Appeal/1 EOT	07-Mar-2001	Due Date	07-Feb-2001 <input checked="" type="checkbox"/>
Response/Appeal/2 EOT	07-Apr-2001	Due Date	07-Feb-2001 <input checked="" type="checkbox"/>
Letter to Client	19-Apr-2001	Due Date	23-Apr-2001 <input checked="" type="checkbox"/>
Response/Appeal/3 EOT	07-May-2001	Final	07-Feb-2001 <input checked="" type="checkbox"/>
3 Mo. Response	28-Jun-2001	Due Date	28-Aug-2001 <input checked="" type="checkbox"/>
Response/1 EOT	28-Jul-2001	Due Date	28-Aug-2001 <input checked="" type="checkbox"/>
Response/2 EOT	28-Aug-2001	Due Date	28-Aug-2001 <input checked="" type="checkbox"/>
2 Weeks to Final Date	12-Sep-2001	Due Date	28-Aug-2001 <input checked="" type="checkbox"/>
Response/3 EOT	28-Sep-2001	Final	28-Aug-2001 <input checked="" type="checkbox"/>
Letter to Client	03-Dec-2001		05-Dec-2001 <input checked="" type="checkbox"/>
3 Mo. Response	06-Feb-2002	Due Date	06-Feb-2002 <input checked="" type="checkbox"/>

Country Application

Monday, December 13, 2004

Case Number:	11232	Country:	US	SubCase:
Docket Number:	11232	United States of America		
Matter Number:	02024	Case Type:	CPA	<input type="checkbox"/> Terminal Disclaimer
Client:	1110	IBM--Corp.--Endicott		
Client Reference #:	EN998042	Application Status: Pending		
Application Number:	09/052,673	Filing Date: 31-Mar-1998		
Publication Number:		Publication Date:		
Patent Number:		Issue Date:		
Parent/PCT Number:		Parent/PCT Date :		
Parent Patent Number:		Parent Issue Date :		
Tax Schedule:	LE	Expiration Date:		
Confirmation #:	9401	PTA: 0		
Agent:				
Agent Reference No.:				
Owner:	Int'l	Int'l Business Machines Corp.		
Attorney:	SF	JSS		

Country Application

Monday, December 13, 2004

Response/1 EOT	06-Mar-2002	Due Date	06-Feb-2002	<input checked="" type="checkbox"/>
Response/2 EOT	06-Apr-2002	Due Date	06-Feb-2002	<input checked="" type="checkbox"/>
2 Weeks to Final Date	21-Apr-2002	Due Date	06-Feb-2002	<input checked="" type="checkbox"/>
Letter to Client	25-Apr-2002			<input checked="" type="checkbox"/>
Response/3 EOT	06-May-2002	Final	06-Feb-2002	<input checked="" type="checkbox"/>
3 Mo. Response	03-Jul-2002	Due Date	11-Jun-2002	<input checked="" type="checkbox"/>
Response/1 EOT	03-Aug-2002	Due Date	11-Jun-2002	<input checked="" type="checkbox"/>
Response/2 EOT	03-Sep-2002	Due Date	11-Jun-2002	<input checked="" type="checkbox"/>
Letter to Client	10-Sep-2002			<input checked="" type="checkbox"/>
2 Weeks to Final Date	18-Sep-2002	Due Date	11-Jun-2002	<input checked="" type="checkbox"/>
Response/3 EOT	03-Oct-2002	Final	11-Jun-2002	<input checked="" type="checkbox"/>
3 Mo. Response	23-Nov-2002	Due Date	25-Nov-2002	<input checked="" type="checkbox"/>
Response/1 EOT	23-Dec-2002	Due Date	25-Nov-2002	<input checked="" type="checkbox"/>
Response/2 EOT	23-Jan-2003	Due Date	25-Nov-2002	<input checked="" type="checkbox"/>
2 Weeks to Final Date	07-Feb-2003	Due Date	25-Nov-2002	<input checked="" type="checkbox"/>
Letter to Client	12-Feb-2003			<input checked="" type="checkbox"/>
Response/3 EOT	23-Feb-2003	Final	25-Nov-2002	<input checked="" type="checkbox"/>
3 Mo. Response	29-Apr-2003	Due Date	29-Apr-2003	<input checked="" type="checkbox"/>
Response/1 EOT	29-May-2003	Due Date	29-Apr-2003	<input checked="" type="checkbox"/>
Response/2 EOT	29-Jun-2003	Due Date	29-Apr-2003	<input checked="" type="checkbox"/>
2 Weeks to Final Date	14-Jul-2003	Due Date	29-Apr-2003	<input checked="" type="checkbox"/>
Response/3 EOT	29-Jul-2003	Final	29-Apr-2003	<input checked="" type="checkbox"/>
Petition to Revive	18-Dec-2004	Due Date		<input type="checkbox"/>

User ID: Mishelle

Date Created: 04-Mar-1998

Last Update: 23-Nov-2001